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*By ECF and
Courtesy Copy by Federal Express*

January 5, 2014

The Honorable Arthur D. Spatt
United States District Judge
United States District Court for the
Eastern District of New York
100 Federal Plaza
New York, New York 11722-9013

Re: United States v. Daniel Greenberg, 12-CR-301 (ADS) (ARL)
Joint Request for Preliminary Instruction

Dear Judge Spatt:

The government and the defense jointly request that the Court add the following to its preliminary instructions to the jury:

During this trial, you may hear testimony about a civil lawsuit filed by the Federal Trade Commission ("FTC") against Daniel Greenberg and Classic Closeouts. You should not concern yourself with how that lawsuit was resolved. The fact that the FTC filed a lawsuit, or how that lawsuit was resolved, has nothing to do with the question of whether the criminal statutes at issue here were violated. Your determination as to whether Daniel Greenberg is guilty or not guilty of the charges against him must be based solely upon consideration of the elements of the criminal laws, which I will explain to you.

Respectfully submitted,

/s/ Eric M. Creizman

Eric M. Creizman

cc: Walter Norkin, Esq., Charles Rose, Esq. (by email)
Assistant United States Attorneys